Minutes Wetlands Protection By-law Committee November 4, 2019

Present: Antrim, Barletta, Canty, Hall, Hastings, Kent, Patek, Vanderslice

Absent:

1. Minutes from October 9 meeting were amended and accepted.
2. Barletta and Antrim need to confirm that they have been sworn in to our committee.
3. Hastings displayed large maps of Nahant's floodplain. There was much discussion and information gathering. Facts: new yellow zone appeals (and all wetlands by-law appeals) go to Superior Court while other zones and State Wetlands Protection Act appeals go to DEP; orange and red zones are under State Wetlands Protection Act which is stricter than our by-law; Con Comm Chair Kent reported that in 8 years there were no denials by our Con Comm but a total of three appeals: two from the DEP and one from a neighbor group; enforcement of local laws a huge problem and our Con Comm does not have the money or volunteers to enforce while other communities have a paid conservation agent/staff or directs the DPW to report building projects (or the Building Department); homeowners have a responsibility to find out what they should be doing but all agreed that there needs to be a major education initiative by the Town, possibly via a mailing to all property owners.
4. Kent provided a <u>draft</u> document she created which displays what elements of the WPB are different from the State Wetlands Protection Act. Much discussion ensued. Facts: Federal Chapter 91 100' buffer zone protects the right of way of the public along the coast and this is not added to our local buffer zone as some have contended (i.e. it does not end up with a 200' buffer zone); education of public needed concerning yellow zone; new federal flood zone insurance fees will be published soon and they will be rising; <u>only federal law is used to delineate flood zones and thereby determine flood insurance;</u> FEMA floodplain maps are not definitive and Kent indicated areas which are incorrect, therefore a property owner must contact Conservation or hire a wetlands expert and/or go to the FEMA Flood Insurance Center to learn about location of property and whether it is in floodplain; Antrim stated that the Town needs to improve education of public with respect to floodplain insurance responsibility.
5. Hall read from three studies concerning effects of real estate prices after adoption of a wetlands protection by-law. There was much discussion which included four realtors (Callahan, Scourtas, Proudian) and resident appraiser Oliver and one resident, B. Rogers. The issue is complex as new by-laws can have various effects, for example in Lynnfield, which has very strict laws, the housing market is booming. Some realtors voiced their convictions that our by-law absolutely lowers prices, but Hall's documents do not show a clear connection. Hall also said our by-law affects the flow of stormwater and therefore fills in for the ineffective federal minimum Stormwater By-law adopted by the Town.
6. Stormwater By-law is set at a minimum trigger of ½ acre of disturbance so is powerless in our town with so many tiny lots. The new MS4 permit is addressing this. The State Wetlands Protection Act coastal floodplain has no performance standards. The State has been looking at ways to store and slow stormwater flow but has not succeeded.

7. It was agreed that our Committee should have a place on the Town website to post our materials.
8. It was agreed that at future meetings we should discuss the concept of the expansion of the yellow buffer zone to include all of Nahant.
9. It was agreed that we need to select a Chairman to keep our meetings running smoothly and efficiently.

Homework:

Kent will work some more on her draft document which displays what elements of the WPB are different from the State Wetlands Protection Act

Barletta:

1. Will see that our Committee gains a place on the Town website;
2. He will look into a special account for Con Comm fees to be deposited;
3. He will learn what percent of a vote is needed to change the Stormwater By-law;
4. He will confirm that he is sworn into our Committee;
5. He will think about how to create and deliver an educational document to the public concerning their responsibilities with respect to their properties.

Some of us need clear definitions of the terms:

1. Difference between buffer zone and flood zone.
2. Wetlands.

We chose Monday, December 2 at 6 p.m. for our next meeting.

Adjourned at 10:08 p.m.

Respectfully submitted by Vi Patek, Secretary